IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

WP(C).No. 33924 of 2006(L)

PETITIONER:

G.V.RADHAKRISHNAN,
CHITTY AUDITOR, OFFICE OF THE DISTRICT REGISTRAR,
THRISSUR.

BY ADV. SRI.ELVIN PETER P.J.
SRI.C.X.ANTONY BENEDICT
SRI.PRADEEP KRISHNA

RESPONDENTS:

---

1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT, TAXES (REGISTRATION)
DEPARTMENT, GOVERNMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE INSPECTOR GENERAL OF REGISTRATION,
THIRUVANANTHAPURAM.

BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 33924 OF 2006

Dated this the 11th January, 2007.

JUDGMENT

The petitioner is Chitty Auditor in the Registration Department. Memo of charges evidenced by Ext.P1 was served on him directing him to show cause why disciplinary proceedings should not be initiated against him. The petitioner submitted Ext.P2 written statement of defence on 20.1.2005 denying the allegations against him. Thereafter nothing transpired. On the ground that disciplinary proceedings are pending, the petitioner is denied promotion to the post of District Registrar. At the same time his juniors have been promoted. Since the respondents have not completed the disciplinary proceedings, the petitioner is subjected to hardship. Hence he has approached this Court.

2. Govt. Pleader, on instruction, submits that it is difficult to presently estimate the time required for completion of the proceedings.

3. I notice that the memo of charge was framed on 18.12.2004. The petitioner, within the prescribed time limit, submitted Ext.P2 explanation on 20.1.2005. For a period of more than two years, no action has been taken by the respondents. Prima facie, it appears that the respondents simply want to keep the disciplinary

proceedings pending, thereby causing difficulties for the petitioner.

4. Counsel for the petitioner submits that the petitioner is due to retire from service by the end of June 2007. It is, therefore, necessary that the proceedings initiated as per Ext.P1 shall be concluded without further delay. A time limit of two months from today is fixed for completion of the proceedings pursuant to Ext.P1 memo of charges. If no order is passed within the aforesaid time limit it shall be presumed that the proceedings against the petitioner have been dropped. Writ petition is disposed of accordingly.

The petitioner will serve a copy of the judgment along with a copy of the writ petition to the second respondent for information and compliance.

K.K.DENESAN
Judge

jj